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12 *Attorneys for Defendants*

13  
14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 OAKLAND DIVISION

17 REARDEN LLC and REARDEN MOVA  
18 LLC,

19 Plaintiffs,

20 vs.

21 WALT DISNEY PICTURES, a California  
corporation, MARVEL STUDIOS, LLC, a  
22 Delaware limited liability company, MVL  
PRODUCTIONS LLC, a Delaware limited  
23 liability company, INFINITY  
PRODUCTIONS LLC, a Delaware limited  
24 liability Company, ASSEMBLED  
PRODUCTIONS II LLC, a Delaware limited  
25 liability company,

26 Defendants.  
27  
28

Case No. 4:17-cv-04006-JST-SK

**DECLARATION OF KELLY M. KLAUS  
IN SUPPORT OF DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT**

Date: August 17, 2023  
Time: 2:00 p.m.  
Judge: Hon. Jon S. Tigar  
Ctm.: 6 (2nd Floor)

[Filed concurrently: Notice of Motion and  
Defendants' Motion for Summary Judgment;  
Declaration of David Taritero; and (Proposed)  
Order]

1 I, Kelly M. Klaus, hereby declare:

2 1. I am admitted to practice before all of the courts of the State of California and this  
3 Court. I am a partner in the law firm of Munger, Tolles & Olson LLP, counsel for Defendants in  
4 the above-captioned matter. I submit this declaration in support of Defendants' Motion for  
5 Summary Judgment. Except as stated on information and belief, the contents of this declaration  
6 are based on my personal knowledge. Where matters are stated on information or belief, they are  
7 based on information provided to me by other lawyers at the firm working on this case who have  
8 knowledge of those matters, and I believe them to be true. If called as a witness, I could and  
9 would testify competently to the matters set forth in this declaration.

10 2. Discovery in this case has been extensive and substantial. In total, the parties have  
11 taken 45 depositions, 33 of which Rearden noticed. The parties produced 140,455 documents or  
12 252,306 pages of documents. There have been 18 discovery motions, 13 of which Rearden has  
13 brought.

14 ***Written Discovery***

15 3. On March 28, 2023, Rearden served second amended initial disclosures. Attached  
16 as **Exhibit 1** is a true and correct copy of Rearden's Second Amended Rule 26(a)(1) Initial  
17 Disclosures.

18 4. On February 23, 2023, Rearden served responses and objections to Defendants'  
19 first set of interrogatories. Attached as **Exhibit 2** is a true and correct copy of Plaintiffs'  
20 Responses and Objections to Defendants' First Set of Interrogatories Nos. 1-12, which was also  
21 marked as Fontaine Exhibit No. 1269.

22 ***Documents***

23 5. Attached as **Exhibit 3** is a true and correct copy of a document bearing the Bates  
24 number WD-KP0000050.

25 6. Attached as **Exhibit 4** is a true and correct copy of a document that was marked as  
26 Lauder Exhibit No. 1159 and bearing the Bates number OL2\_00119.

27 7. Attached as **Exhibit 5** is a true and correct copy of a document that was marked as  
28 LaSalle Exhibit No. 1175.



21. Attached as **Exhibit 19** is a true and correct copy of excerpts from the March 10, 2023 deposition of Gayle Munro.

22. Attached as **Exhibit 20** is a true and correct copy of excerpts from the March 6, 2023 deposition of Stephen Perlman.

23. Attached as **Exhibit 21** is a true and correct copy of excerpts from the February 5, 2023 deposition of Kelly Port.

24. Attached as **Exhibit 22** is a true and correct copy of excerpts from the March 3, 2023 deposition of David Taritero.

25. Attached as **Exhibit 23** is a true and correct copy of excerpts from the February 13, 2023 deposition of Mimi Steele.

26. Attached as **Exhibit 24** is a true and correct copy of excerpts from the February 7, 2023 deposition of Daniel Stevens.

27. Attached as **Exhibit 25** is a true and correct copy of excerpts from the February 8, 2023 deposition of O.D. Welch.

***Expert Discovery***

28. Rearden has served expert reports from Philip Fier, Alberto Menache, and Cindy Ievers. None of Rearden's experts' reports offer an opinion in support of Rearden's claim for trademark infringement.

29. Attached as **Exhibit 26** is a true and correct copy of Mr. Fier's June 1, 2023 rebuttal expert report.

30. Attached as **Exhibit 27** is a true and correct copy of Mr. Fier's June 14, 2023 rebuttal expert report.

31. Attached as **Exhibit 28** is a true and correct copy of the April 20, 2023 opening expert report of Defendants' expert, Kristie Kershaw.

32. Attached as **Exhibit 29** is a true and correct copy of the April 20, 2023 opening expert report of Defendants' expert, Dr. Stephen Lane.

33. Attached as **Exhibit 30** is a true and correct copy of the April 20, 2023 opening expert report of Defendants' expert, Robin Russell.

